

Amendment After Final Rejection
Serial No. 10/029,921

US010633

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-26 are pending and stand rejected. Claims 1, 2, 4-6, 8, 9, 12, 13, 15, 16, 17, 19, 20 and 24-26 have been amended. Claims 27 and 28 are new.

Claims 1, 5, 6, 8-10, 12, 16, 17, 19-21 and 23-26 stand rejected under 35 USC 103(a) as being unpatentable over Emens (USP no. 6493744) in view of Durden (USPPA 2002/0250272), which is the same reason recited in rejecting the claims in the prior Office Action.

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims for the same arguments made in the applicant's response to the rejection of the claims in the prior Office Action, which are reasserted as if in full herein. However, in the interest of advancing the prosecution of this matter the independent claims have been amended to more clearly state the invention. More specifically, the claims have been amended to recite "preventing access to said electronic media object if said electronic media objects contains sufficient one or more predefined inappropriate content items to exceed a known threshold, said inappropriate content being predefined or determined dynamically." No new matter has been added.

Support for the amendment may be found at least on page 10, lines 2-4, which state, "[i]n a further variation, a number of the conditions in steps 430, 450, and 470 can be aggregated to prevent access to an electron media, e.g., if a certain threshold of stop words and nudity are present in the electronic media object."

As argued in response to the rejection of the claims in the prior Office Action, the Durden reference is cited to support the teachings of Emens in that Durden discloses allowing said user to access said electronic media object if said analyzing step determines that said electronic media object contains at least one predefined appropriate content item; wherein said analyzing step allows said access at least based on recognizing at least one person included in said predefined appropriate content. The Office Action cites paragraph [0069] in support of this assertion.

Amendment After Final Rejection
Serial No. 10/029,921

US010633

However, neither Emens nor Durden discloses that the aggregated inappropriate content exceeds a threshold, wherein the inappropriate content being predefined or determined dynamically, as is now recited in the claims.

A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

Accordingly, the invention recited in claim 1 is not rendered obvious by the teachings of Emens and Durden as the combination of Emens and Durden fails to recite each element claimed.

Having shown that the combination of Emens and Durden fails to teach or suggest all the elements claimed, applicant submits that the reason for the rejection has been overcome and the rejection can no longer be sustained. For at least this reason, applicant respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to the remaining independent claims, these claims recite subject matter similar to that recited in claim 1 and were rejected citing the same references used in rejecting claim 1. Thus, applicant's remarks made in response to the rejection of claim 1 are also applicable in response to the rejection of these claims. Applicant submits that in view of the amendments made to the remaining independent claims, which are similar to those made in claim 1, and for the remarks made with regard to the rejection of claim 1, which are reasserted, as if in full, in response to the rejection of the remaining independent claims, the reason for the rejection of these claims has been overcome and the rejection can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

With regard to the remaining dependent, these claims ultimately depend from the independent claims, which has been shown not to be rendered obvious, and, hence, allowable, over the cited references. Accordingly, the aforementioned claims are also allowable by virtue of their dependence from an allowable base claim.

Amendment After Final Rejection
Serial No. 10/029,921

US010633

Claims 2-4 and 13-15 stand rejected under 35 USC 103(a) as being unpatentable over Emens-Durden and further in view of Cragun (USP no. 5,832,212).

Claims 2-4 and 13-15 depend from independent claims 1 and 12 and therefore are patentable for the reasons previously discussed.

Claims 7 and 18 stand rejected under 35 U.S.C. § 103(a) as being obvious over Emens and Durden and further in view of Forsythe, "Identifying nude pictures" Forsythe, D. A., Fleck, M.M.

Claims 7 and 18 depend from independent claims 1 and 12 and therefore are patentable for the reasons previously discussed.

Claims 11 and 22 stand rejected under 35 U.S.C. § 103(a) as being obvious over Emens and Durden and further in view of PR Newswire (Worldlink Announces New Product for broadcasting audio and video).

Claims 11 and 22 depend from independent claims 1 and 12 and therefore are patentable for the reasons previously discussed.

Claims 27 and 28 are new. No new matter has been added. Support for these claims may be found at least in claims 25 and 26.

Although the last Office Action was made final, this amendment should be entered. No matter has been added to the claims that would require comparison with the prior art or any further review. Accordingly, pursuant to MPEP 714.13, applicant's amendments should only require a cursory review by the examiner. The amendment therefore should be entered without requiring a showing under 37 CFR 1.116(b).

Amendment After Final Rejection
Serial No. 10/029,921

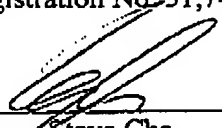
US010633

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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